

1 Neil B. Klein, CA Bar No. 142734
neilk@mckassonklein.com
2 McKASSON & KLEIN LLP
3 18401 Von Karman Ave., Suite 330
Irvine, CA 92612
4 Phone: (949) 724-0200
Attorneys for Plaintiff
5 Eastern Pacific Chartering (22) Inc.
6

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**
9

10 EASTERN PACIFIC CHARTERING
11 (22) INC.,

12 Plaintiff,

13 vs.
14

15 LOUIS DREYFUS COMPANY
16 FREIGHT ASIA PTE LTD.,

17 Defendant,

18 and

19 DBS BANK LTD.,

20 Garnishee
21
22

Case No. 2:22-cv-05111-PA-JC

IN ADMIRALTY, Fed. R. Civ. P. 9(h)

**DECLARATION OF NEIL KLEIN IN
SUPPORT OF ISSUANCE OF
PROCESS OF MARITIME
ATTACHMENT AND
GARNISHMENT PURSUANT TO
RULE B**

[Fed. R. Civ. P. Supp Rule B; LAR
E.4]

23 I, Neil Klein, hereby declare and state as follows:

24 1. I am a partner at the firm of McKasson & Klein LLP and counsel for
25 Plaintiffs EASTERN PACIFIC CHARTERING (22) INC. ("EPC22") in this matter.
26 I have personal knowledge of the facts declared herein and, if called to testify
27 regarding these facts, would and could testify thereto.

28 2. This declaration is filed in support of EPC22's request for review in

1 accordance with Rule B of the Supplemental Rules for Admiralty or Maritime
2 Claims and Asset Forfeiture Actions to the Federal Rules of Civil Procedure ("Rule
3 B"), and for an order authorizing issuance of process of maritime attachment and
4 garnishment for property of defendant Louis Dreyfus Company Freight Asia Pte
5 Ltd. ("Defendant") held or controlled by garnishees, including DBS Bank Ltd. or
6 its agents, within in this District.

7 3. I directed attorneys under my supervision to perform the following:

8 a. Google search to determine if Defendant is located in this District. The
9 search results did not provide information that Defendant is located in
10 this District.

11 b. Internet search in Superpages and 411.com telephone directories; no
12 telephone listing or address was found for Defendant in the District.

13 c. Search of the California Secretary of State's online business records
14 database; as of August 3rd 2022, Defendant is not incorporated or
15 organized under the laws of the State of California, and has not
16 appointed an agent for service of process within the State of California.

17 4. Based on the efforts described above, I am unaware of Defendant having
18 a general or managing agent within the District, or an appointed agent for service
19 of process in California, and have not found any indication Defendant is present
20 in the District. It is my good faith belief, based on investigation conducted by my
21 office, that Defendant does not have sufficient contacts, business activity, offices
22 or agents in the District, and therefore Defendant is cannot be found within the
23 Central District of California for purposes of Rule B.

24 I declare under penalty of perjury under the laws of the United States of America
25 that the foregoing is true and correct, and that this declaration is executed on
26 August 3rd 2022 in Irvine, California.

27 /s/ Neil B. Klein

28 Neil B. Klein